

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GEORGE ARTHUR,
 #1021782

Plaintiff,

vs.

DOCTOR MARTIN, *et al.*,

Defendants.

3:11-cv-00804-HDM-WGC

ORDER

Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 (ECF #4). Before the court is a motion filed by plaintiff (ECF #12) that appears to be duplicative of plaintiff's motion for reconsideration of the order denying counsel (ECF #11), which the court denied on March 14, 2012 (ECF #17). Plaintiff filed both motions—if indeed he intended them to be two separate motions—on February 27, 2012. The motion at ECF #12 is denied.

Next, the court turns to plaintiff's application to proceed *in forma pauperis* (ECF #1). The court has considered, and is unpersuaded by, defendants' opposition to the application (ECF #18). Based on the financial information provided, the court finds that plaintiff is unable to prepay the full filing fee in this matter. Therefore,

1 **IT IS ORDERED** as follows:

- 2 1. Plaintiff's application to proceed *in forma pauperis* (ECF #1) is **GRANTED**; plaintiff
- 3 shall not be required to pay an initial installment of the filing fee. In the event that this
- 4 action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. §
- 5 1915(b)(2).
- 6 2. The movant herein is permitted to maintain this action to conclusion without the
- 7 necessity of prepayment of any additional fees or costs or the giving of security therefor.
- 8 This order granting leave to proceed *in forma pauperis* shall not extend to the issuance
- 9 of subpoenas at government expense.
- 10 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to
- 11 the Clerk of the United States District Court, District of Nevada, 20% of the preceding
- 12 month's deposits to plaintiff's account (inmate #1021782), in the months that the account
- 13 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk
- 14 of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's
- 15 Office. The Clerk shall also **SEND** a copy of this order to the attention of the Chief of
- 16 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City,
- 17 NV 89702.
- 18 4. The Clerk shall electronically **SERVE** a copy of this order and a copy of plaintiff's
- 19 complaint on the Office of the Attorney General of the State of Nevada, attention Pamela
- 20 Sharp.
- 21 5. The Attorney General's Office shall advise the Court within **twenty-one (21) days** of the
- 22 date of the entry of this order whether it can accept service of process for the named
- 23 defendants. As to any of the named defendants for which the Attorney General's Office
- 24 cannot accept service, the Office shall file, *under seal*, the last known address(es) of
- 25 those defendant(s).
- 26

- 1 6. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
2 motion identifying the unserved defendant(s), requesting issuance of a summons, and
3 specifying a full name and address for said defendant(s).
- 4 7. If the Attorney General accepts service of process for any named defendant(s), such
5 defendant(s) shall file and serve an answer or other response to the complaint within
6 **sixty (60) days** from the date of this order.
- 7 8. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been entered
8 by counsel, upon their attorney(s), a copy of every pleading, motion or other document
9 submitted for consideration by the court. Plaintiff shall include with the original paper
10 submitted for filing a certificate stating the date that a true and correct copy of the
11 document was mailed to the defendants or counsel for the defendants. If counsel has
12 entered a notice of appearance, the plaintiff shall direct service to the individual attorney
13 named in the notice of appearance, at the address stated therein. The court may disregard
14 any paper received by a district judge or magistrate judge which has not been filed with
15 the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk
16 which fails to include a certificate showing proper service.
- 17 9. Plaintiff's motion for appointment of counsel/motion for reconsideration of order
18 denying counsel (ECF #12) is **DENIED**.

19 **IT IS SO ORDERED.**

20 DATED: March 27, 2012.

21
22 William J. Cobb
23 UNITED STATES MAGISTRATE JUDGE
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